

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

UNITED STATES OF AMERICA
upon the relation and for the use of the
TENNESSEE VALLEY AUTHORITY,
Plaintiff,

v.

No. _____

EASEMENTS AND RIGHTS-OF-WAY
OVER A TOTAL OF 0.49 ACRE OF LAND,
MORE OR LESS, IN LAWRENCE COUNTY,
ALABAMA, and
TAMMY SHARP,
JOHN A. SHARP, JR.,
BANK OF AMERICA, N.A.,
MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC., nominee,
Defendants.

COMPLAINT

1. This is an action of a civil nature brought by the United States of America upon the relation and for the use of the Tennessee Valley Authority for the taking of property under the power of eminent domain and for the ascertainment and award of just compensation to the owners and parties in interest.

2. The authority for the taking is the Tennessee Valley Authority Act of 1933, *as amended*, 16 U.S.C. §§ 831-831ee (2012).

3. The public use for which the property is taken is the erection, operation, and maintenance of electric power transmission circuits and communication circuits.

4. The property interests to be acquired are permanent easements and rights-of-way.

5. The easements and rights-of-way herein condemned are described in Attachment 1 hereto attached and made a part hereof.

6. The parties known to the Plaintiff who have or may claim an interest in said property are as follows:

Tammy Sharp and John A. Sharp, Jr., her husband, own said property in fee simple as joint tenants with right of survivorship by virtue of a deed recorded in Deed Book 185, page 658, in the office of the Judge of Probate of Lawrence County, Alabama.

Bank of America, N.A., is the current holder of a lien on said property in the original amount of \$83,830 by virtue of a Mortgage originally executed to Allied Home Mortgage Corporation, and recorded in Mortgage Book 755, page 664, in the office of said Judge of Probate. Mortgage Electronic Registration Systems, Inc., is designated nominee in said mortgage.

Plaintiff previously acquired a permanent easement and right-of-way (WLMH-2) over said property by virtue of a grant recorded on July 13, 2016 in Deed Book 219, page 906, in the office of the Judge of Probate of Lawrence County, Alabama. Due to the contamination of an unauthorized dump site discovered on this previously acquired permanent easement and right-of-way, it is the intention of Plaintiff that the easements and rights-of-way described in

Attachment 1 hereto will be substituted for the interest acquired by the previous grant recorded above.

7. A Declaration of Taking is being filed contemporaneously herewith.

WHEREFORE, the Plaintiff demands that:

(1) An Order be issued putting the Tennessee Valley Authority as agent of the United States of America into immediate possession of the property condemned.

(2) Just compensation for the property taken be ascertained in accordance with Rule 71.1(h) of the Federal Rules of Civil Procedure.

(3) A Judgment be entered confirming the vesting of title to the interests sought to be condemned in the United States of America by virtue of the Declaration of Taking filed herewith.

(4) The Plaintiff have such other relief as may be lawful and proper.

Respectfully submitted,

s/James S. Chase

James S. Chase (TN BAR 020578)
TVA GENERAL COUNSEL'S OFFICE
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1401
Telephone 865.632.4239
Facsimile 865.632.2422
Email jschase@tva.gov

Attorney for Plaintiff

53467027